

THE BOARD OF MASSAGE THERAPY
Professional & Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

- Date: Wednesday, October 28, 2015
- Time: 9:00 a.m.
- Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813
- Present: Olivia Nagashima, Massage Therapist, Chair
George Davis, Jr., Massage Therapist, Vice Chair
Stephanie Bath, Massage Therapist
Paula Behnken, Public Member
Rodney J. Tam, Deputy Attorney General (“DAG”)
Carlos Keen, Executive Officer (“EO”)
Jennifer Fong, Secretary
- Guests: Blaize Sanchez
Arlene Estrella
Anne Fritz, American Massage Therapy Association (“AMTA”) Hawaii
Daria Loy-Goto, Regulated Industries Complaints Office (“RICO”)
- Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by section 92-7(b), Hawaii Revised Statutes (“HRS”).
1. Call to Order: There being a quorum present, Chair Nagashima called the meeting to order at 9:01 a.m.
2. Additions/
Additional
Distribution
to Agenda: Upon a motion by Chair Nagashima, seconded by Ms. Behnken, it was voted on and unanimously carried to add the following items to the agenda:
- Under 4. Executive Officer’s Report, add “b. 2016 Legislative Session”
 - Under 6. New Business, add “b. Inquiry regarding board operations and procedures”

Chair Nagashima announced that the following was distributed to the Board members as additional distribution:

- 7. Applications, a. Ratifications – Amended Ratification List

3. Approval of Minutes of the August 12, 2015 Meeting:

Upon a motion by Vice Chair Davis, seconded by Ms. Behnken, it was voted on to approve the minutes of the August 12, 2015 as circulated with Chair Nagashima, Vice Chair Davis and Ms. Behnken voting “Yes” and Ms. Bath abstaining. The motion passed.

At this time, Chair Nagashima announced she was taking the agenda out of order to discuss the following agenda item:

- 6. New Business, b. Inquiry regarding board operations and procedures

6. New Business:

b. Inquiry regarding board operations and procedures

Executive Session:

At 9:06 a.m., it was moved by Chair Nagashima, seconded by Ms. Bath, and unanimously carried to move into Executive Session in accordance with HRS, 92-5(a)(1) and (4), “To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;” and “To consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities”.

At 10:07 a.m., it was moved by Ms. Behnken, seconded by Vice Chair Davis, and unanimously carried to move out of Executive Session.

The Board returned to its regular order of business.

4. Executive Officer’s Report:

a. 2016 Board Meeting Schedule

A copy of the 2016 Board Meeting Schedule was distributed to the board members.

Ms. Bath suggested that more meetings should be added.

Chair Nagashima stated that when she first joined the Board, they met more frequently.

Ms. Fong noted that several years ago, the Board met monthly, however, the meetings were decreased to bi-monthly and then quarterly when the Board found that there were no issues or items being submitted for the Board to address and determined that they should not schedule a meeting solely to approve the minutes and the ratification list.

Chair Nagashima said that she recalls something like that.

EO Keen stated that more meetings can always be added, if needed.

b. 2016 Legislative Session

After some discussion, it was the consensus of the Board that for the 2016 Legislative session, Chair Nagashima will be the Board's official representative and Vice Chair Davis and Ms. Behnken will be alternates.

5. Unfinished Business:

a. Deputy Attorney General's Report on Hawaii Department of Education ("DOE") requirements

DAG Tam read excerpts from HRS §§452-13(a)(3) and Hawaii Administrative Rules ("HAR") §§16-84-23(i) and 16-84-48. According to this language, the Board may approve other types of schools. If they would like to do so, they would need to develop a guideline on what they would require in order to approve a school.

b. Rule Revisions – Title 16, Chapter 84, HAR – Status Update from Committee

Vice Chair Davis noted that the rules committee is still working on incorporating Ms. Bath's comments into their previous draft.

Ms. Behnken stated that she started her review of the draft with Ms. Bath's comments the previous evening with Shelagh Lampshire:

- Definition of "Instructor": suggestion that "in the State" be removed. Also, noted that three years may not be long enough to be competent to teach.
- Definition of "Massage school": questioned "nationally recognized accrediting agency", noting that accreditation is an incredibly expensive process that is not within the budget or interest of smaller independent massage schools. Feels the NCBTMB assigned school status is sufficient.
- Definition of "Practical hands-on training": agrees with Ms. Bath that "experience" is subjective and suggested "training" as an alternative.
- Regarding section on "Massage apprentice permit application; requirements and training": requested more information regarding how the committee came up with number of 225 in "225 hours of anatomy, physiology, structural kinesiology and theory and demonstration of massage".

Chair Nagashima noted that the committee reviewed the education requirements of other states and jurisdictions and recommended the change to more accurately reflect industry standards.

- Regarding section on “Massage apprentice hands-on practical training”: expressed concern that many people go through without realizing that their apprenticeship hours are not accepted by other states as a valid path to licensure and suggested some sort of disclosure by the apprenticeship programs should be required so that the apprentices are not being taken advantage of.

Chair Nagashima noted that the Board’s responsibility is to ensure that all applicants comply with Hawaii’s licensing requirements. She feels if a licensee is interested in obtaining a license in another state, it is the licensee’s responsibility to find out the laws and rules of that state.

Ms. Bath disagreed, saying that the Board’s purpose is to protect the consumer and she feels there should be a disclaimer.

- Regarding section on “Massage apprentice hands-on practical training”: noted Ms. Bath’s comment that ten apprentices is excessive and agrees wholeheartedly with the concern, however, feels that the issue is holding the sponsors accountable.

Ms. Bath said that some apprenticeships are operated more as a business clinic. She stated that in those cases, the sponsor is either working on their own client or doing something else while their apprentice is giving a massage.

Chair Nagashima noted that while ten apprentices is the current maximum allowed per sponsor, it does not mean that all ten apprentices are working at the same time. She stated that the sponsor is required to fulfill their responsibilities as a sponsor for each of their apprentices.

Ms. Bath said that she has had several apprentices tell her that their sponsor is not providing the training they need and instead use the apprentices as free labor.

Chair Nagashima noted that the Board has no jurisdiction over labor laws, however, the apprentice can file a complaint if the sponsor is not fulfilling their responsibilities. Also, the apprentice can submit a request to change their sponsor.

Ms. Bath said because it is hard to find a sponsor, the apprentice just sticks with their sponsor even if they are not happy so they can get the hours required to sit for the exam. She has asked them to submit a complaint to RICO but they haven't because they don't want to do anything that may jeopardize getting their license.

Recess: Chair Nagashima called for a short recess at 10:50 a.m.

The Board meeting reconvened at 10:55 a.m.

6. New Business: a. Proposed Legislation by the Regulated Industries Complaints Office ("RICO")

This matter was deferred to the end of the meeting.

7. Applications: a. Ratifications

Upon a motion by Chair Nagashima, seconded by Ms. Bath, it was voted on and unanimously carried to approve the attached ratification list.

b. Applications

- Ellie Childs

Upon a motion by Ms. Behnken, seconded by Vice Chair Davis, it was voted on and unanimously carried to approve Ms. Childs' application for exam and license – massage therapist.

- Nani Dickens

Upon a motion by Ms. Behnken, seconded by Ms. Bath, it was voted on and unanimously carried to approve Ms. Dickens' application for exam and license – massage therapist.

- Andrea June

Vice Chair Davis moved to approve Ms. June's massage therapist renewal application. It was seconded by Ms. Behnken, with Chair Nagashima, Vice Chair Davis and Ms. Behnken voting "yes" and Ms. Bath abstaining. The motion carried.

- Anna Livingston

Upon a motion by Vice Chair Davis, seconded by Ms. Bath, it was voted on and unanimously carried to approve Ms. Livingston's application for exam and license – massage therapist.

- Kathleen O'Sullivan

Upon a motion by Ms. Bath, seconded by Vice Chair Davis, it was voted on and unanimously carried to approve Ms. O'Sullivan's application for exam and license – massage therapist.

6. New Business: a. Proposed Legislation by the Regulated Industries Complaints Office ("RICO")

The Board reviewed RICO's proposed legislation to authorize the issuance of citations to licensees who violate HRS sections 452-23(b) and 452-24(a)(4) or HAR sections 16-84-11(e), 16-84-15(c), and 16-84-(15)(d).

Executive Session:

At 11:10 a.m., it was moved by Ms. Bath, seconded by Ms. Behnken and unanimously carried to move into Executive Session in accordance with HRS, 92-5(a)(4), "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities".

Guests were excused from the meeting room.

At 11:32 a.m., it was moved by Vice Chair Davis, seconded by Ms. Behnken, and unanimously carried to move out of Executive Session.

Upon a motion by Chair Nagashima, seconded by Ms. Behnken, it was voted on and unanimously carried to support the intent of RICO's proposed legislation.

8. Next Meeting: Wednesday, February 3, 2016
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

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9. Adjournment: With no further business to discuss, Chair Nagashima adjourned the meeting at 11:34 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Carlos Keen

Carlos Keen
Executive Officer

11/3/15

Minutes approved as is.

Minutes approved with changes; see minutes of _____.

BOARD OF MASSAGE THERAPY

RATIFICATION LIST

Wednesday, October 28, 2015

MASSAGE THERAPIST

MAT 14418 ROGER K ROOSMA	MAT 14442 REBEL L GOUVEIA
MAT 14419 TAWNIA D WECKWERTH	MAT 14443 ROSEANN D MAMUAD
MAT 14420 ELIZABETH A CROSS	MAT 14444 SAYAKA TERAMAE
MAT 14421 JEFFREY L FARR	MAT 14445 RACHEL Y WHITEHEAD
MAT 14422 RIE A LIEU	MAT 14446 ERIC C STEPHENSON
MAT 14423 YUKO TSUCHIYA	MAT 14447 LAYCIE-ANN A R TOBOSA
MAT 14424 BRANDAL L RODRIGUES	MAT 14448 JOHN M HOPP
MAT 14425 DONA RAE K CORREA-DAGUIO	MAT 14449 NAO KUMABE
MAT 14426 WESLEY J BUSH	MAT 14450 MAHEALANI K CAMBRA
MAT 14427 HARUMI INOSE	MAT 14451 WILMA B WATANABE
MAT 14428 VICKI L GARDNER	MAT 14452 NOMER T GAMIAO
MAT 14429 SUTTHINEE WIYANAT	MAT 14453 SAYUMI YAMAGUCHI
MAT 14430 PATTHREEYA REDBERG	MAT 14454 ALLYSON CHANG-FLORES
MAT 14431 GREGORY K MIYASHIRO	MAT 14455 NAOKO NASU
MAT 14432 MANO I PAAAINA	MAT 14456 SUPAKIT LUEMONGKOL
MAT 14433 ASHLEY A WENRICH	MAT 14457 YAOWADEE K BARFUSS
MAT 14434 SARAH J NIEDERBUHL	MAT 14458 NANCY JO CAMPBELL
MAT 14435 LAURA N MATSUMOTO	MAT 14459 JONATHAN A AYSON
MAT 14436 WILLIAM RAY REED	MAT 14460 MIYUKI TERADA
MAT 14437 JESSICA MARIE R TEVES	MAT 14461 LORRAINE M RASMUSSEN
MAT 14438 DANIEL N H ROTH	MAT 14462 AMBER M NAPIER
MAT 14439 SACHIKO YIM	MAT 14463 JOSHUA R KERSTEIN
MAT 14440 AMANDA J CLEVELAND	MAT 14465 MARCELLA D SMITH
MAT 14441 GEORGE A YOUAW	MAT 14466 ALFIE L LUAVASA

MASSAGE THERAPY ESTABLISHMENT

MAE 3072 KANHNYKA SISOUTHAVONGSA
MAE 3073 LONGEVITY HEALTH CENTER LTD
MAE 3074 ISLAND THERAPEUTIC MASSAGE LLC
MAE 3075 TROY L TARDIVILLE
MAE 3076 GNO FRONTIER INTERNATIONAL LLC
MAE 3077 MYCA DESIGN LLC
MAE 3078 UNIQUE BODYWORK LLC
MAE 3079 BLUE SKY THAI MASSAGE & SPA LLC
MAE 3080 BEYOND BARE WAXING HAWAII INC
MAE 3081 TURTLE BAY ENTERPRISES LLC
MAE 3082 PRAPAPORN DELIMA
MAE 3083 SHELLEY G HARMER
MAE 3084 APRIL M CHRISTIAN
MAE 3085 LA'AKEA SPA HAWAII LLC
MAE 3086 ISLAND HOME SPA LLC

MASSAGE THERAPY WORKSHOP

Yahavah Mathison, MAT 11629 Nancy Sue Kahalewai, MAT 697 Jayne Henderson, MAT 11950 Yahavah A. Mathison, MAE 2548	September 6, 2015 – November 23, 2015
Cheriess Bugado, MAT 6644 Megan Neal, MAT 5170 Micah Miller, MAT 943 Hilo Massage Clinic & Day Spa LLC, MAE 2826	September 30, 2015 – December 5, 2015
Joshua Jensen, MAT 10395 Thai-Issan Therapeutic Massage LLC, MAE 3022 <i>*new start date for workshop previously approved on 8/12/15</i>	November 2, 2015 – January 4, 2016*
Wendi Lynch, MAT 12559 Wendi D. Lynch dba Spa Makaiwa, MAE 3027	November 30, 2015 – December 24, 2015